

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD.

SPECIAL CIVIL APPLICATION No 1990 of 1999

For Approval and Signature :

Hon'ble MR. JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the Judgment ?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the Judgment ?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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S.K. DIVAN

VERSUS

STATE OF GUJARAT

Appearance:

MR IS SUPEHIA for Petitioner

MR BY MANKAD, AGP, for Respondent

CORAM : MR JUSTICE S.K. KESHOTE

Date of decision: 20/04/99

C.A.V. JUDGMENT

Heard the learned counsel for the parties.

2. The petitioner, a retired Executive Engineer from the Roads and Building Department of the Government of Gujarat, filed this special civil application and prayed for the following reliefs:

- (A) Directing the respondent to complete the departmental inquiries initiated vide charge sheets dated 25-2-1999 and 26-2-1999 and to pass final orders within three months from the date of this petition. In case the inquiries are not completed within three months then the respondent may be directed to pay the whole amount of gratuity and commuted pension to the petitioner.
- (B) Directing the respondent to pay interest at the rate of 12% on the amount of gratuity to the petitioner from 1-3-1999.
- (C) During the pendency and final disposal of this petition, the respondent may be directed to pay the interest on gratuity amount at the rate of 12% from 1-3-1999 onwards per month.
- (D) to grant such other and further relief as may be deemed fit.

3. So far as the first relief is concerned, I find sufficient justification in the prayer that these two chargesheets have been served upon the petitioner few days before his retirement and which pertains to the misconduct alleged to have been taken place between 1982-1994 and the same deserves to be expeditiously disposed of.

4. The respondent No.1 is directed to complete the departmental inquiries against the petitioner initiated by serving two chargesheets, reference of which has been given in prayer (A) in the special civil application within a period of six months from the date of receipt of writ of this order.

5. So far as the other prayers are concerned, these are consequential prayers and if ultimately the petitioner is exonerated in the two inquiries certainly for the delayed payment of retirement benefits, the respondent has to reasonably compensate the petitioner for deprival of the same by awarding the interest at reasonable rate but that is not the stage here today to pass any final order.

6. Subject to the aforesaid directions, this

special civil application and Rule stand disposed of.

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zgs/-